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The situation in the occupied territories of Azerbaijan

Right of peoples to self-determination

Letter dated 7 July 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Armenia to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to forward to you herewith, the statement of the Ministry of Foreign Affairs of the Republic of Armenia of 26 June 2006 (see annex I) and the comments of Vartan Oskanian, Minister for Foreign Affairs of Armenia, of 29 June 2006, on the statement of the Co-Chairs of the Organization for Security and Cooperation in Europe (OSCE) Minsk Group (see annex II), as well as the statements of the Minsk Group Co-Chairs of 22 June 2006 (see annex III) and 3 July 2006 (see annex IV), which were made in Vienna, and in Moscow, Washington and Paris, respectively.

I would be grateful if you would have the present letter and its annexes circulated as a document of the sixtieth session of the General Assembly and of the Security Council.

(*Signed*) Dziunik **Aghajanian**
Deputy Permanent Representative
Chargé d'affaires a.i.

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Annex I to the letter dated 7 July 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Armenia to the United Nations addressed to the Secretary-General

Statement of the Foreign Ministry of the Republic of Armenia
on the OSCE Minsk Group Co-Chairs Statement at the Permanent Council

June 26, 2006

Taking into account the statement that the co-chairs of the OSCE Minsk Group presented to the OSCE Permanent Council, in Vienna, on June 22, and the interview that Matt Bryza, the new US co-chair gave soon thereafter, where albeit partially, the principles of the settlement of the Nagorno Karabakh conflict were revealed for the first time, and also taking into account the recent desperate calls by Azerbaijan for a military solution and autonomy for Nagorno Karabakh, we would like to make several observations.

1. The co-chairs have partially revealed the Nagorno Karabakh conflict resolution principles; they have left out references to a corridor linking Nagorno Karabakh to Armenia, and issues relating to Nagorno Karabakh's status until a referendum;

2. The co-chairs have, for the first time, affirmed that the people of Nagorno Karabakh shall determine their own future status through a referendum;

3. Those items over which the presidents of Armenia and Azerbaijan continue to disagree does not include a referendum; that concept has been agreed to by the presidents; The area of disagreement between the presidents has to do with the sequence in which the consequences of the military conflict are removed;

4. In an attempt to resolve this remaining area of disagreement, a proposal was made by the co-chairs after Rambouillet. This proposal was accepted by Armenia in Bucharest. Azerbaijan rejected it;

5. Armenia finds that the basic principles, overall, on the table today remain a serious basis for continuing negotiations; Armenia is prepared to continue on that basis to continue to negotiate with Azerbaijan;

6. Armenia believes that Azerbaijan's wavering on these principles is a serious obstacle to progress in the negotiations. If this policy continues, Armenia will insist that Azerbaijan conduct direct negotiations with Nagorno Karabakh.

7. Finally, we would remind Azerbaijan once again that regardless of the size of their military budget, they cannot force the people of Nagorno Karabakh to renounce freedom and the right to self-determination.

Annex II to the letter dated 7 July 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Armenia to the United Nations addressed to the Secretary-General

Comments of H.E. Mr. Vartan Oskanian, Minister for Foreign Affairs of Armenia on the Statement of the Co-Chairs of the OSCE Minsk Group in an Interview to *ARMENPRESS*
June 29, 2006

ARMENPRESS: The co-chairs in their statement say that "our approach has been a modified one: we have not tried to solve all aspects of the conflict in one phase. Instead our principles seek to achieve a major degree of progress but defer some very difficult issues to the future and envision further negotiations." What does this mean?

Oskanian: The actual negotiating document on the principles that is on the table today is all-encompassing. It covers all the principles affecting the resolution of the conflict. It includes the core issue of status of Nagorno Karabakh, territories, refugees, security issues, peacekeeping and every other conceivable issue that is necessary in order to arrive at a lasting resolution of the conflict. Only after full agreement on all these basic principles would the parties, as the actual negotiating text says, "in cooperation with the co-chairs of the OSCE Minsk group to begin work on the elaboration of an agreement on the settlement of the Nagorno Karabakh conflict." In other words, the agreement on principles will be comprehensive. The final agreement may envision implementation over time.

In their report, the co-chairs say "the principles include the phased redeployment of Armenian troops from Azerbaijani territories around Nagorno Karabakh, with special modalities for Kelbajar and Lachin districts." What are these special modalities?

This formulation is indeed very broad, and for a reason. This issue has two layers. One is the issue of Lachin, where the actual negotiating text on principles provides clear language stating that there will be "a corridor linking Nagorno Karabakh to Armenia." For Armenia, it's very clear that this corridor must have the same status as Nagorno Karabakh. The second layer is the issue of Kelbajar. For Armenia, this also is clear: based on security concerns, Kelbajar can be returned only after the referendum is conducted and the final status of NK is determined. Azerbaijan's position is different on Kelbajar. That's the disagreement that the co-chairs are addressing in their statement. The co-chairs' language in the actual negotiating text, with regard to this issue, is generally in line with our approach.

The co-chairs say that there will be a referendum / popular vote "to determine the final legal status of Nagorno Karabakh," but they don't say who will vote.

The actual negotiating text on principles clearly specifies that "the final legal status will be determined through a referendum / population vote by the population of Nagorno Karabakh."

The co-chairs also say "certain interim arrangements for Nagorno Karabakh would allow for interaction with providers of international assistance." What does this mean?

This is only one element of a much more detailed section in the actual negotiating text which addresses interim status for Nagorno Karabakh. We think the co-chairs have emphasized international engagement, because that's a major problem for the people of Nagorno Karabakh. Their current, unrecognized, de-facto status, has not allowed them to benefit from the generosity of international organizations. In the actual negotiating text, the provisions address such rights as control over their political and economic viability and security, upholding their personal privileges and freedoms, the right to democratically elect officials to govern Nagorno Karabakh, the authority to effectively legislate and administer the internal affairs of Nagorno Karabakh.

What is Armenia's overall assessment of the content of the document as it stands today?

This not a perfect document. For anyone. However, there are enough solid and balanced provisions, with the right trade-offs on the main issues – status, territories and security – that we are prepared to continue to negotiate on the basis of these principles. In today's context, Azerbaijan's rhetoric about autonomy and desperate calls for militarization surprise us. We have at hand a real opportunity to resolve all issues, including the much-maligned issue of refugees. But Azerbaijan must revert to real situations and real opportunities, rather than illusory maximalist hopes. Today, we hope that Azerbaijan will realize that we have a chance to resolve the conflict and achieve a lasting peace.

Annex III to the letter dated 7 July 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Armenia to the United Nations addressed to the Secretary-General

STATEMENT OF THE MINSK GROUP CO-CHAIRS TO THE OSCE PERMANENT COUNCIL

Vienna, June 22, 2006

In November last year the Minsk Group Co-Chairs reported to this Council that the two sides in the Nagorno-Karabakh conflict were poised to make a transition from negotiating to decision-making and that a historic breakthrough in the settlement of the conflict was possible in 2006. During the past seven months, we intensified our mediation efforts and worked hard to achieve the agreement of both sides on basic principles for a settlement. We visited Baku and Yerevan three times together and several more times separately, organized two meetings of the Ministers of Foreign Affairs of Armenia and Azerbaijan and two summits between Presidents Kocharian and Aliyev - first in Rambouillet in February and then in Bucharest in early June. For the first time since 1997, when the current format of the Co-Chairmanship of the Minsk Group was established, a joint Mission of Representatives of the Co-Chair countries at the Deputy Foreign Minister level traveled to the region in May in order to make clear to the presidents of both countries that 2006 is the necessary window of opportunity for reaching an agreement on Nagrono-Karabakh. In fact, the delegation of Russian Deputy Foreign Minister Grigoriy Karasin, U.S. Assistant Secretary of State Daniel Fried, and high-ranking French diplomat Pierre Morel – representing French Political Director Stanislaus de Laboulaye – told the two Presidents that our three countries **expected** them to take advantage of this opportunity by reaching an agreement on core principles for a settlement at their Bucharest summit in early June.

Our deputy ministers told the two Presidents that an agreement on basic principles now, before the July G8 Summit in St. Petersburg, would secure broad international support and a high level of financial assistance for post-conflict reconstruction and peacekeeping activities. We stressed – as always – the belief of our nations and, more widely, of the international community that the Nagorno-Karabakh conflict can be resolved in no other way than a peaceful one. Moreover, we stressed that both leaders need to prepare their publics for peace and not for war.

Our deputy ministers proposed to Presidents Aliyev and Kocharian a set of core principles that we believe are fair, balanced, workable, and that could pave the way for the two sides to draft a far-reaching settlement agreement. We continue to believe in these principles, and we urge the Presidents to embrace them as the basis for an agreement. Unfortunately, the Presidents chose not to reach such an agreement in Bucharest. As mediators in this process, we will not breach the confidentiality of their sensitive diplomatic

dialogue, as we continue to hope that they will reach an agreement. At this juncture, though, it is our responsibility to you, Mr. Chairman, to this Council that has provided the funding for a very intensive series of negotiations, to the international community, and – perhaps most importantly – to the publics in Armenia and Azerbaijan, to acquaint you with the basic principles that we have put on the table for the consideration of the two Presidents.

We note that the principles the Co-Chair countries proposed to the two Presidents were not developed in a vacuum, but follow on to nine years of detailed proposals that have been advanced by our predecessors. Even though those proposals were not accepted by the parties, that work of our predecessors gave us important insights and foundations. Our approach has been a modified one: we have not tried to solve all aspects of the conflict in one phase. Instead, our principles seek to achieve a major degree of progress but defer some very difficult issues to the future and envision further negotiations. In sum, they try to solve – in a practical, balanced way – what is immediately solvable. These principles include the phased redeployment of Armenian troops from Azerbaijani territories around Nagorno-Karabakh, with special modalities for Kelbajar and Lachin districts. Demilitarization of those territories would follow. A referendum or population vote would be agreed, at an unspecified future date, to determine the final legal status of Nagorno-Karabakh. The sides would commit to further negotiations to define the timing and modalities of such a referendum or population vote. Certain interim arrangements for Nagorno-Karabakh would allow for interaction with providers of international assistance. An international peacekeeping force would be deployed. A joint commission would be created to implement the agreement. International financial assistance would be made available for demining, reconstruction, and resettlement of internally displaced persons in the formerly occupied territories and the war-affected regions of Nagorno-Karabakh. The sides would renounce the use or threat of use of force, and international and bilateral security guarantees and assurances would be put in place. We note with respect to the idea of a referendum or population vote to determine the final legal status of Nagorno-Karabakh that such a vote would be the product of a negotiated agreement between the two sides. Suitable pre-conditions for such a vote would have to be achieved so that the vote would take place in a non-coercive environment in which well-informed citizens have had ample opportunity to consider their positions after a vigorous debate in the public arena.

This is what we have proposed to the two Presidents, but they failed to agree. Nonetheless, we have heard both sides say repeatedly that they have never before been so close to an agreement. It would be a tragically wasted opportunity for the two Presidents to let this window of opportunity close in 2006 without even the basic principles in place for a future peace agreement for Nagorno-Karabakh. As you know, election cycles are approaching, first in Armenia and then in Azerbaijan during 2007-2008. We have seen before the negative effect that national elections can have on negotiations, and we continue to believe that now is the time for the two Presidents to summon the political will to take a courageous step forward together toward peace.

As Co-Chairs, we have reached the limits of our creativity in the identification, formulation, and finalization of these principles. We do not believe additional alternatives advanced by the mediators through additional meetings with the sides will produce a different result. We hope that the Permanent Council will join us in urging the parties to the conflict to reach an agreement as soon as possible based on the core principles we have recommended. If the two sides are unable to agree on those principles we have put forward, we believe it is now contingent upon them to work together to reach an alternative agreement that both find acceptable. We remain ready to assist. As mediators, however, we cannot make the difficult decisions for the parties. We think the parties would be well-served at this point by allowing their publics to engage in a robust discussion of the many viewpoints on these issues. We are confident that neither society wants renewed conflict, and we urge the leaders of Armenia and Azerbaijan to work with their publics and to work with each other to formulate an agreement on core principles that both find acceptable. Ultimately, it is the two sides that will be held accountable by their peoples and by the international community if their actions lead to war and not peace.

We see no point right now in continuing the intensive shuttle diplomacy we have engaged in over the past several months. We also see no point in initiating further presidential meetings until the sides demonstrate enough political will to overcome their remaining differences. Of course, the Co-Chairs will remain available to both parties to serve faithfully and impartially as mediators. Acting in complete unity among the mediators, we have delivered a product reflecting our best efforts, and we strongly believe that it is now time for the two Presidents to take the initiative for achieving a breakthrough in the settlement process. It is the only way to secure the positive results already achieved through the last two years of negotiations, in order not to restart them later from scratch. We will remain vigilant. We will continue our analysis and close consultations among ourselves in our unified and effective framework, in our continuing capacity as Co-Chairs of the Minsk Group, supported by Ambassador Kasprzyk and his team. We will be ready to reengage if indeed the parties decide to pursue the talks with the political will that has thus far been lacking.

In conclusion, Mr. Chairman, we would like to express our sincere gratitude to the Chairman in Office, Minister de Gucht, whose close interest and constant attention to the issues of the Nagorno-Karabakh settlement, including his introductory remarks before the last meeting of two Presidents in Bucharest, have contributed greatly to our work in the first half of 2006.

Annex IV to the letter dated 7 July 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Armenia to the United Nations addressed to the Secretary-General

Co-Chairmen of the Minsk Group

STATEMENT BY THE MINSK GROUP CO-CHAIRS

Moscow, Washington, Paris, July 3, 2006

Taking into account recent speculation about the basic principles for a peaceful settlement of the NK conflict proposed to both parties by the Minsk Group Co-Chairs, it is necessary to make the following clarification. On June 22 the Minsk Group Co-Chairs reported to the OSCE Permanent Council on the results of the past months of negotiations between the sides on the Nagorno-Karabakh conflict. They reported on their intensive mediation activities over the past seven months aimed at achieving agreement on the basic principles for a settlement. These included three visits of the Co-Chairs to Baku and Yerevan, three times together and several more times separately, two meetings of the Ministers of Foreign Affairs of Armenia and Azerbaijan, and two summits between Presidents Kocharian and Aliyev, first in Rambouillet in February and then in Bucharest in early June. In addition, a joint Mission of Representatives of the Co-Chair countries at the Deputy Foreign Minister level traveled to the region in May. Throughout their mediation efforts, the Co-Chairs stressed, as always, the belief of their nations and of the international community that the Nagorno-Karabakh conflict can be resolved in no other way than a peaceful one. They also stressed the need for the leaders of Armenia and Azerbaijan to prepare their publics for peace and not for war.

The mediation efforts of the Co-Chairs resulted in the proposal to Presidents Aliyev and Kocharian of a set of fair, balanced, and workable core principles that could pave the way for the two sides to draft a far-reaching settlement agreement. The principles are based on the redeployment of Armenian troops from Azerbaijani territories around Nagorno-Karabakh, with special modalities for Kelbajar and Lachin districts (including a corridor between Armenia and Nagorno-Karabakh), demilitarization of those territories, and a referendum or population vote -- at a date and in a manner to be decided through further negotiations -- to determine the final legal status of Nagorno-Karabakh. Deployment of an international peacekeeping force and a joint commission for implementation of the agreement would be established, and international assistance would be made available for demining, reconstruction, and resettlement of internally displaced persons in the formerly occupied territories and the war-affected regions of Nagorno-Karabakh. Certain interim arrangements for Nagorno-Karabakh would allow for interaction with providers of international assistance. The sides would renounce the use or threat of use of force, and international and bilateral security guarantees and assurances would be put in place. Regarding the vote to determine the future status of Nagorno-Karabakh, the Co-Chairs stressed that suitable pre-conditions for such a vote would have to be achieved so that the vote would take place in a non-

coercive environment in which well-informed citizens have had ample opportunity to consider their positions after a vigorous debate in the public arena.

Unfortunately, at their most recent meeting in Bucharest the Presidents did not reach agreement on these principles. The Co-Chairs continue to believe that the proposals developed through the past two years of negotiations hold the best potential for achieving a just and lasting settlement of the conflict. They strongly believe that it is now time for the two Presidents to take the initiative for achieving a breakthrough in the settlement process based on these principles, and they stand ready to assist the parties to conclude an agreement if the Presidents indicate they are prepared to do so. Although no additional meetings between the sides under the auspices of the Co-Chairs are planned for the immediate future, they will be ready to reengage if the parties decide to pursue the talks with the political will that has thus far been lacking.